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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,006	01/08/2001	Freddie Geier	P2648-719	7086

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EXAMINER


ARSHAD, UMAR

ART UNIT PAPER NUMBER

2174

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/757,006	Applicant(s) GEIER ET AL. 	
	Examiner Umar Arshad	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 47-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This communication is in response to reply filed 5/11/2004.

Claims 47 – 74 are pending in this application. Claims 47, 56 and 66 are independent claims. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

Claims 47 – 53, 55 – 62, and 64 – 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al., U.S. Patent No. 6,061,695.

As per claim 47, Slivka et al. ("Slivka") teaches a graphical user interface for creating recordable media with a computer from media files, the user interface comprising:

- a window frame defining a pane having a common theme (see Slivka, figure 7, item 170, and column 3, lines 55 – 67, and column 19, lines 20 – 29; the examiner interprets a template as a common theme because it describes the settings for the user interface elements of a window);
- a plurality of control buttons displayed on the frame (see Slivka, figure 7, item 172); and
- a selectable icon indicating the common theme and correlated to a respective media file such that the selectable icon indicates the media file to be recorded onto the

recordable media (see Slivka, figure 7, item 180, column 3, lines 62 – 66, column 11, lines 2 – 3 and column 19, line 66 – column 20, line 7; the examiner interprets graphical icons in a folder view as selectable icons indicating a media file and it is taught that the template provides graphical icons in a folder view, therefore it is inherent that the icons displayed in figure 7, item 180 are representative of the template and therefore indicate the theme. It is also inherent that the selectable icons displayed indicate the media file to be recorded onto a recordable media because it is taught that user interface operations of the Windows© 95 operating system are available in the folder views, and the Windows© 95 operating system has features to allow the drag and drop of media file icons onto recordable mediums).

As per claim 48, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further teaches the graphical user interface of claim 47 further comprising a status indicator displayed on the pane (see Slivka, figure 7, item 176, and column 19, lines 56 – 59; the examiner interprets a title banner as a status indicator because it displays the name of the folder represented in the folder view).

As per claim 49, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further teaches the graphical user interface of claim 47 further comprising an application window having the media files (see Slivka, figure 7, item 172) and wherein the media file is displayed as a

selectable icon (see Slivka, figure 7, item 180) by dragging and dropping the media file from the application window to the pane (see Slivka, column 19, line 66 – column 20, line 7; it is inherent that the selectable icons displayed indicate a media file and it is taught that icon drag and drop user interface operations of the Windows© 95 operating system are available in the folder views).

As per claim 50, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further teaches the graphical user interface of claim 47 further comprising a title for each selectable icon, the title corresponding to a respective media file (see Slivka, figure 7, item 180).

As per claim 51, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further discloses the graphical user interface of claim 47 wherein the selectable icon comprises a graphic image of the respective media file (see Slivka, column 2, lines 28 – 32).

As per claim 52, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further teaches the graphical user interface of claim 47 wherein the selectable icon is configured to initiate playback of the media file when selected (see Slivka, column 19, line 66 – column 20, line 7; it is inherent that Windows© 95 user interface operations include playback of a file with its associated application program once initiated).

As per claim 53, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further teaches the graphical user interface of claim 47 wherein the theme is user definable (see Slivka, column 7, lines 47 – 51).

As per claim 55, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further teaches the graphical user interface of claim 47 wherein the recordable media is selected from the group consisting of:

- a digital versatile disc (DVD);
- a digital versatile disc recordable (DVDR);
- a compact disc recordable (CDR); and
- a computer readable removable medium (see Slivka, column 5, lines 15 – 19).

As per claim 56, it is of similar scope to claim 47 and is rejected under the same rationale as claim 47 (see rejection above).

As per claim 57, which is dependent on claim 56, it is of similar scope to claim 48 and is rejected under the same rationale as claim 48 (see rejection above).

As per claim 58, which is dependent on claim 56, it is of similar scope to claim 49

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and is rejected under the same rationale as claim 49 (see rejection above).

As per claim 59, which is dependent on claim 56, it is of similar scope to claim 50 and is rejected under the same rationale as claim 50 (see rejection above).

As per claim 60, which is dependent on claim 56, it is of similar scope to claim 51 and is rejected under the same rationale as claim 51 (see rejection above).

As per claim 61, which is dependent on claim 56, it is of similar scope to claim 52 and is rejected under the same rationale as claim 52 (see rejection above).

As per claim 62, which is dependent on claim 56, it is of similar scope to claim 53 and is rejected under the same rationale as claim 53 (see rejection above).

As per claim 64, which is dependent on claim 56, Slivka teaches the graphical user interface of claim 56 (see rejection above). Slivka further teaches the computer readable medium of claim 56 further comprising instructions for recording the media files onto the recordable media (see Slivka, column 5, lines 15 – 19, and column 19, line 66 – column 20, line 7; it is inherent that the media files are stored on the secondary medium).

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As per claim 65, which is dependent on claim 64, it is of similar scope to claim 55 and is rejected under the same rationale as claim 55 (see rejection above).

As per claim 66, it is of similar scope to claim 47 and is rejected under the same rationale as claim 47 (see rejection above).

As per claim 67, which is dependent on claim 66, it is of similar scope to claim 48 and is rejected under the same rationale as claim 48 (see rejection above).

As per claim 68, which is dependent on claim 66, it is of similar scope to claim 49 and is rejected under the same rationale as claim 49 (see rejection above).

As per claim 69, which is dependent on claim 66, it is of similar scope to claim 50 and is rejected under the same rationale as claim 50 (see rejection above).

As per claim 70, which is dependent on claim 66, it is of similar scope to claim 51 and is rejected under the same rationale as claim 51 (see rejection above).

As per claim 71, which is dependent on claim 66, it is of similar scope to claim 51 and is rejected under the same rationale as claim 51 (see rejection above).

As per claim 72, which is dependent on claim 66, it is of similar scope to claim 53



and is rejected under the same rationale as claim 53 (see rejection above).

As per claim 73, which is dependent on claim 66, it is of similar scope to claim 64 and is rejected under the same rationale as claim 64 (see rejection above).

As per claim 74, which is dependent on claim 73, it is of similar scope to claim 55 and is rejected under the same rationale as claim 55 (see rejection above).

### ***Claim Rejections - 35 USC § 103***

Claims 54 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Patent No. 6,061,695 in view of Johnston, Jr. et al., U.S. Patent No. 5,959,624.

As per claim 54, which is dependent on claim 47, Slivka teaches the graphical user interface of claim 47 (see rejection above). Slivka further teaches the graphical user interface of claim 47 wherein the theme comprises backgrounds to be displayed in the pane (see Slivka, column 4, lines 16 – 20), selectable icon shapes (see Slivka, column 19, lines 48 – 52; the examiner interprets large icons and small icons as icon shapes), and fonts (see Slivka, column 19, lines 56 – 59). Slivka does not teach wherein said theme comprises arrangement information for said selectable icons. Johnston, Jr. et al. (“Johnston”) teaches a theme comprising arrangement information for selectable icons (see Johnston figures 2C; the option to choose a “straight grid” arrangement or a “staggered grid” arrangement for icon views is taught). It would have

been obvious to one of ordinary skill in the art at the time of the invention to implement the graphical user interface taught by Slivka with the method taught by Johnston to allow application designers and application users to have additional flexibility and greater control over the appearance and behavior of desktop objects and individual controls for those objects.

As per claim 63, which is dependent on claim 56, it is of similar scope to claim 54 and is rejected under the same rationale as claim 54 (see rejection above).

### ***Response to Arguments***

The Applicant argues that Slivka does not teach or disclose having a common theme. The Examiner respectfully disagrees. Slivka teaches hypertext multimedia documents for display as folder views and these documents are synthesized from templates (see Slivka, column 3, lines 55 – 67). The Examiner interprets a template as a common theme because it describes the settings for the user interface elements of a window. Therefore, Slivka teaches having a common theme.

The Applicant also argues that Slivka does not disclose icons having a common theme and correlated to a respective media file. The Examiner disagrees. Slivka teaches graphical icons in a folder view and further teaches that the control for the folder views provides the same user interface and functionality of the folder views in the Microsoft Windows ® 95 operating system (see Slivka, figure 7, item 180, column 3, lines 62 – 66, column 11, lines 2 – 3 and column 19, line 66 – column 20, line 7). The

Examiner interprets graphical icons in a folder view as selectable icons indicating a media file and a template as a common theme. It is taught that the template provides graphical icons in a folder view, therefore it is inherent that the icons displayed in figure 7, item 180 are representative of the template and that they therefore indicate the theme. It is also inherent that the selectable icons displayed indicate a media file to be recorded onto a recordable medium because it is taught that user interface operations of the Windows© 95 operating system are available in the folder views. The Windows© 95 operating system incorporates selectable icons indicating media files to be recorded onto a recordable medium. Therefore Slivka teaches icons having a common theme and correlated to a respective media file.

### ***Conclusion***

This is a continuation (RCE) of applicant's earlier Application No. 09/757,006. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Arshad whose telephone number is (703) 305-0329. The examiner can normally be reached on Monday - Friday, 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UA

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